

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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September 29, 2020

VIA ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Plaintiffs write in response to Saudi Arabia's September 28, 2020 Letter, ECF No. 6472, to supplement the record regarding the submissions on the sequencing and scheduling of depositions.

Yesterday, Governor Cuomo entered an Executive Order which clarified New York State's guidance on the quarantine for international travelers. The Governor's September 28, 2020 Order now states that New York has a quarantine for foreign travelers from countries currently designated by the Centers for Disease Control as "Level 3," which at this time includes Saudi Arabia.¹

In their attached e-mail, the responsible New York state personnel also informed us that "[t]ravelers with special circumstances may apply for an exemption by emailing traveladvisoryexemption@health.ny.gov."

¹ Plaintiffs obtained the information in an e-mail from New York State hotline staff personnel, a copy of which is attached to this letter. Plaintiffs had previously been advised in a call to that same hotline last week (before Governor Cuomo's Executive Order) that New York State was following the Centers for Disease Control guidelines and rules for foreign travelers visiting from overseas, which do not bar travelers from Saudi Arabia, and do not impose a mandatory quarantine.

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Saudi Arabia's virus infection rates have sharply decreased from a peak this past June and July, which is reflected by the undisputed facts that the Kingdom's national airline has reopened air travel, including non-stop flights between New York and Saudi Arabia, and the Kingdom has also approved foreign travel of its own government officials as of September 15, 2020.

The depositions can proceed now in New York if the parties work together on a safety protocol. The parties can apply to New York State for an exemption from the quarantine requirement based on the unique circumstances of witnesses travelling here to give testimony, and the special arrangements that will be made by the parties and witnesses pursuant to the safety protocol.² Alternatively, the depositions can be conducted safely and in-person in another suitable, agreed location in the United States or abroad.

Respectfully submitted,

KREINDLER & KREINDLER

/s/ Steven R. Pounian

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For the MDL 1570 Plaintiffs' Exec.
Committee for Personal Injury and Death
Claims

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Committee for Commercial Claims

MOTLEY RICE

/s/ Robert T. Haefele

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For the MDL 1570 Plaintiffs' Exec.
Committee for Personal Injury and Death
Claims

Enclosure

² Plaintiffs' expert, Dr. Adalja, has advised that the contemplated mitigation protocols for the depositions would be, in essence, equivalent to the quarantine procedures for travelers, a fact that increases the likelihood that a properly supported exemption request would be granted, assuming it is even necessary by the time of the depositions.

From: health.sm.CovidLevel2VM <CovidLevel2VM@health.ny.gov>
Sent: Monday, September 28, 2020 5:39 PM
To: Julia Sienski <jsienski@kreindler.com>
Subject: Re: International travel quarantine guidance

Hello,

This is hot off the presses. Travelers with special circumstances may apply for an exemption by emailing traveladvisoryexemption@health.ny.gov.

Thank you, Hotline Staff

For Immediate Release: 9/28/2020

GOVERNOR ANDREW M. CUOMO

**GOVERNOR CUOMO SIGNS EXECUTIVE ORDER REMINDING INTERNATIONAL TRAVELERS
COMING FROM LEVEL 2 & 3 COUNTRIES TO QUARANTINE & FILL OUT TRAVEL FORM**

*Governor's Executive Order Follows CDC's Decision to Roll Back Screening Measures at
Airports and Rising COVID-19 Cases Across the Globe*

*NYS Department of Health Will Alert International Travelers of Ongoing Quarantine
Requirement*

*Action Enhances New York's Enforcement Efforts and Builds on COVID-19 Travel Advisory for
States with Significant Community-Wide Virus Spread*

Governor Andrew M. Cuomo today signed an executive order reminding international travelers entering New York from Level 2 and 3 countries to quarantine and fill out the NYS Department of Health traveler health form to further prevent the spread of COVID-19 as countries across the globe experience alarming second waves of the virus. New York State has since March 2020, required a mandatory quarantine for any traveler entering New York from a Level 2 or Level 3 country - that's all but 31 countries on the globe. Since the CDC has continued to roll back their screening measures at airports accepting international flights, this measure is necessary to link travelers to the appropriate local Department of Health for contact tracing purposes. The Commissioner of Health will expand his Emergency Health Order which authorizes the imposition of civil penalties if individuals refuse to fill out the required form. To complete the Department of Health Traveler Health form online, travelers should visit [here](#).

"The CDC's decision to end enhanced screening at airports, coupled with alarming case increases in countries around the world, presents an increased threat to New York's progress in the war against

COVID-19," **Governor Cuomo said.** "Today's Executive Order will require the Department of Health to alert all travelers from any Level 2 or Level 3 country of mandatory quarantine requirements, as well as require international travelers to complete the DOH Traveler Health Form to aid in the state's robust contact tracing efforts and further prevent the spread of COVID-19."

The 31 countries not subject to the Governor's executive order and mandatory quarantine requirement are listed below:

- American Samoa
- Anguilla
- Bonaire
- Brunei
- Cambodia
- Cayman Islands
- Dominica
- Falkland Islands
- Fiji
- Guernsey
- Greenland
- Grenada
- Isle of Man
- Laos
- Macau SAR
- Marshall Islands
- Mauritius
- Micronesia
- Montserrat
- New Caledonia
- New Zealand
- Palau
- Saba
- Saint Barthelemy
- Saint Kitts and Nevis
- Saint Lucia
- Saint Pierre and Miquelon
- Sint Eustatius
- Taiwan
- Thailand
- Timor-Leste

Today's executive order enhances New York's ongoing enforcement efforts and builds on the successful domestic COVID-19 Travel Advisory for states that have a significant degree of community-wide spread of the virus. The advisory requires individuals who have traveled to New York from areas with significant community spread to quarantine for 14 days. The quarantine applies to any person arriving from an area with a positive test rate higher than 10 per 100,000 residents over a 7-day rolling average or an area with a 10 percent or higher positivity rate over a 7-day rolling average.